

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOHN SKINNER, #202678

Plaintiff,

Case No. 05-71150

v.

District Judge Nancy G. Edmunds
Magistrate Judge R. Steven Whalen

JOHN ANDREW BEEMER,

Defendant.

ORDER DENYING MOTIONS TO APPOINT COUNSEL

Before the Court in this *pro se* civil rights case are Plaintiff's two motions to appoint counsel [Docket #14 and #22].

Unlike criminal cases, there is no constitutional or statutory right to the appointment of counsel in civil cases. Rather, the Court requests members of the bar to assist in appropriate cases. In *Lavado v. Keohane*, 992 F.2d 601, 605-606 (6th Cir. 1993), the Sixth Circuit noted that "[a]ppointment of counsel in a civil case is not a constitutional right. It is a privilege that is justified only by exceptional circumstances." (Internal quotations and citations omitted).

It is the practice of this Court to defer any attempt to obtain counsel for *pro se* civil rights Plaintiffs until after motions to dismiss or motions for summary judgment have been denied. In this case, although no dispositive motions have yet been filed, Plaintiff has

requested both an extension of discovery and leave to amend his complaint. The latter motion, which sought to add new Defendants and new claims, was denied *without prejudice* for failure to properly serve the Defendant. The motion to extend discovery has also been denied without prejudice, but may be revisited if the Plaintiff is ultimately successful in amending his Complaint. If discovery is extended, the cut-off date for dispositive motions will also be extended.

Thus, at this point, Plaintiff's motions to appoint counsel are premature. If Plaintiff's claims ultimately survive any dispositive motions, he may renew his motion for appointment of counsel at that time.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's motions for appointment of counsel [Docket #14 and #22] are **DENIED WITHOUT PREJUDICE**.

S/R. Steven Whalen
R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

Dated: May 30, 2006

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served on the attorneys and/or parties of record by electronic means or U.S. Mail on May 30, 2006.

S/G. Wilson
Case Manager

